

REMARKS

Claims 1, 2 and 5-10 are pending in the present application. This Response follows a personal interview held August 9, 2005 between Applicants' undersigned attorney, Patrick T. Skacel, and Examiner Yu and her supervisor Shenjun Wang. The courtesies extended Applicants' attorney during the interview are sincerely appreciated. The remarks presented herein make of record and further address the issues discussed during the interview. This Response does not introduce any new matter.

The March 30, 2005 Office Action

Claim Rejections under 35 U.S.C. §103

The Examiner rejected claims 1, 5, and 6 under 35 U.S.C. §103(a) as being obvious over the previously cited Chen reference (U.S. Patent No. 6,524,626), now in view of newly cited U.S. Patent No. 6,326,202 (Mathur, et al.). The Examiner rejected claims 2 and 7 as being obvious over Chen and Mathur in view of Gubernick (U.S. Pat. No. 6,066,327) and rejected claims 8-10 as being obvious over Chen, Mathur, and Gubernick, in view of Meybeck (U.S. Pat. No. 5,164,182).

The Examiner has relied on Mathur to support her previous assertion that one would be motivated to reduce the amounts of antioxidant in the Chen compositions based on cost effectiveness.

In response, Applicants respectfully traverse the Examiner's rejections. Applicants do not agree that Mathur provides the necessary motivation to support the Examiner's conclusions. In any event, however, the application that matured into the Mathur patent was not filed until October 19, 1999, which is after the September 9, 1999 priority date of the present application. Thus, notwithstanding any teachings of the Mathur patent, the Mathur patent is not available as prior art against the present application. Accordingly, because all of the Examiner's rejections rely on the Mathur reference, all of the Examiner's rejections are improper. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the rejections of claims 1, 2, and 5-10 under 35 U.S.C. §103.

The August 9, 2005 Personal Interview


As reflected in the Interview Summary prepared by the Examiner, Applicants pointed out during the interview, as reiterated above, that the Mathur reference is not prior art to the instant application and thus, the outstanding obviousness rejections are all improper. Furthermore, the evidence provided in the previously submitted Declaration of Stewart Paul Long was also discussed during the interview. In that regard, Applicants reiterate that the Declaration included evidence confirming a synergistic effect of a combination of three antioxidants present in concentrations significantly lower than any levels provided in the art of record.

In view of the above remarks, Applicants believe that the Examiner's rejections set forth in the March 30, 2005 Office Action have been fully overcome and that the present application is

in condition for allowance. The Examiner is invited to telephone the undersigned if it is deemed to expedite allowance of the application.

Respectfully submitted,

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